

CORRECTED FISCAL NOTE

SB 790 - HB 1837

May 21, 2007

SUMMARY OF BILL: Increases penalty for second or subsequent convictions for the Class B felony offense of aggravated robbery occurring after January 1, 2008. Offender must serve 100 percent of sentence imposed by the court less earned sentence credits.

ESTIMATED FISCAL IMPACT:

On February 26, 2007, we issued a fiscal note which indicated an *increase in state expenditures of \$38,022,800/Incarceration**. Based on the additional information provided to us, the estimated fiscal impact of this bill is:

Increase State Expenditures - \$29,875,100 / Incarceration*

Assumptions:

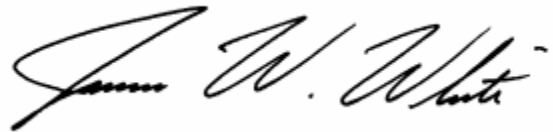
- According to the Department of Correction (DOC), there has been an average of 630 admissions per year for the past five years for aggravated robbery. Based on the current population in the DOC facilities, 44 percent (277) of those inmates have two or more convictions.
- 277 persons would be convicted of the Class B felony offense of aggravated robbery as a second or subsequent conviction and would have to serve 100 percent of the sentence imposed by the court less earned sentence credits as a result of this bill. These offenders would serve an additional 4.4 years (an increase from 2.4 years to 6.8 years).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth of 1.09 percent per year will result in 32 additional offenders serving additional time in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 309 offenders.
- According to DOC, the average operating cost per inmate per year for calendar year 2007 is \$60.16. The cost per inmate at 2.4 years (876.60 days) is \$52,736.26 (\$60.16 x 876.60 days). The

cost per inmate at 6.8 years (2,483.70 days) is \$149,419.39 (\$60.16 x 2,483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$96,683.13 (\$149,419.39 - \$52,736.26). The total additional operating cost for 309 offenders is \$29,875,087.17 (\$96,683.13 x 309).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director